

---

By: **Delegate O'Donnell**  
Introduced and read first time: March 1, 2004  
Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 17, 2004

---

Committee Report: Favorable  
House action: Adopted  
Read second time: March 27, 2004

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law - Child Abuse in the First Degree - Household Member or**  
3 **Family Member**

4 FOR the purpose of prohibiting a household member or family member from causing  
5 abuse to a minor that results in the death of the minor or causes severe physical  
6 injury to the minor; subjecting a household member or family member who  
7 violates this Act to penalties for child abuse in the first degree under certain  
8 circumstances; and generally relating to child abuse in the first degree by  
9 certain individuals.

10 BY repealing and reenacting, with amendments,  
11 Article - Criminal Law  
12 Section 3-601  
13 Annotated Code of Maryland  
14 (2002 Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Criminal Law**

18 3-601.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Abuse" means physical injury sustained by a minor as a result of  
21 cruel or inhumane treatment or as a result of a malicious act under circumstances

1 that indicate that the minor's health or welfare is harmed or threatened by the  
2 treatment or act.

3 (3) "Family member" means a relative of a minor by blood, adoption, or  
4 marriage.

5 (4) "Household member" means a person who lives with or is a regular  
6 presence in a home of a minor at the time of the alleged abuse.

7 (5) "Severe physical injury" means:

8 (i) brain injury or bleeding within the skull;

9 (ii) starvation; or

10 (iii) physical injury that:

11 1. creates a substantial risk of death; or

12 2. causes permanent or protracted serious:

13 A. disfigurement;

14 B. loss of the function of any bodily member or organ; or

15 C. impairment of the function of any bodily member or organ.

16 (b) (1) (I) A parent or other person who has permanent or temporary care  
17 or custody or responsibility for the supervision of a minor may not cause abuse to the  
18 minor that:

19 [(i)] 1. results in the death of the minor; or

20 [(ii)] 2. causes severe physical injury to the minor.

21 (II) A HOUSEHOLD MEMBER OR FAMILY MEMBER MAY NOT CAUSE  
22 ABUSE TO THE MINOR THAT:

23 1. RESULTS IN THE DEATH OF THE MINOR; OR

24 2. CAUSES SEVERE PHYSICAL INJURY TO THE MINOR.

25 (2) Except as provided in subsection (c) of this section, a person who  
26 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the  
27 first degree and on conviction is subject to:

28 (i) imprisonment not exceeding 25 years; or

29 (ii) if the violation results in the death of the victim, imprisonment  
30 not exceeding 30 years.

1 (c) A person who violates this section after being convicted of a previous  
2 violation of this section is guilty of a felony and on conviction is subject to:

3 (1) imprisonment not exceeding 25 years; or

4 (2) if the violation results in the death of the victim, imprisonment not  
5 exceeding 30 years.

6 (d) (1) (i) A parent or other person who has permanent or temporary care  
7 or custody or responsibility for the supervision of a minor may not cause abuse to the  
8 minor.

9 (ii) A household member or family member may not cause abuse to  
10 a minor.

11 (2) Except as provided in subsection (c) of this section, a person who  
12 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the  
13 second degree and on conviction is subject to imprisonment not exceeding 15 years.

14 (e) A sentence imposed under this section may be separate from and  
15 consecutive to or concurrent with a sentence for any crime based on the act  
16 establishing the violation of this section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2004.